

PB# 83-21

Frank Wortmann

Wartmann, Frank Lte BB 21
(2 family house).

approved 4/22/83
filed into Town Clerk
6/29/83 sh.

General Receipt			5245
TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, N. Y. 12550			June 20 19 83
Received of Frank Wortmann			\$ 25.00
Twenty Five and 00/100			DOLLARS
For application fee 83-21			
DISTRIBUTION			
FUND	CODE	AMOUNT	
\$25.00 check			
# 297			
By Pauline J. Townsend E.C. Town Clerk			Title

Williamson Law Book Co., R N. Y. 14509

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, New York 12550

(This is a two-sided form)

Date Received June 7, 1983
Meeting Date _____
Public Hearing _____
Action Date _____
Fees Paid June 22, 1983

APPLICATION FOR SITE PLAN APPROVAL

1. Name of Project _____
2. Name of applicant FRANK WORTMANN Phone 564-3354
Address Box 393B MOORES HILL RD. NEW WINDSOR, N.Y. 12550
(Street No. & Name) (Post Office) (State) (Zip Code)
3. Owner of record _____ Phone _____
Address u N.Y.
(Street No. & Name) (Post Office) (State) (Zip Code)
4. Name of person preparing plan Roger Lupino Phone _____
Address WARWICK N.Y.
(Street No. & Name) (Post Office) (State) (Zip Code)
5. Attorney _____ Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip Code)
6. Location: On the WEST side of WEATHER OAK HILL
_____ (Street)
750 feet NORTH
(direction)
of MOORES HILL RD.
(Street)
7. Acreage of parcel 20,040 sq ft.
8. Zoning district R4-A
9. Tax map designation: Section 32 Block 1 Lot(s) 10
10. This application is for the use and construction of 2 FAMILY HOUSE
11. Has the Zoning Board of Appeals granted any variance or special permit concerning this property? YES If so, list case No. and Name # 83-7
AREA. VARIANCES
12. List all contiguous holdings in the same ownership
Section _____ Block _____ Lot(s) _____

FOR OFFICE USE ONLY:

Schedule

Column

Number

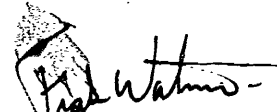
Attached hereto is an affidavit of owner help indicating the dates the respective holdings of land were acquired, then with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION, CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

June 6 day of June, 1983


Applicant's Signature

Kathleen J. Nugent
Notary Public

owner
Title

KATHLEEN J. NUGENT
Notary Public, State of New York
Qualified in Orange County
No. 4753517
My commission expires Mar. 30, 1985

OWNER'S ENDORSEMENT

(Completion required ONLY if applicable)

COUNTY OF ORANGE }
STATE OF NEW YORK } SS.:

Frank Wortmann being duly sworn, deposes and says that he resides
Box 393 B, Moore's Hill Rd, New Windsor In the
(Owner's Address)
county of ORANGE and State of NEW YORK

and that he is (the owner in fee) of (Official Title) of the

Corporation which is the owner in fee) of the premises described in the foregoing application and that he has authorized to make the foregoing application for special use approval as described herein.

Sworn before me this.

6th day of June, 1983


(Owner's Signature)

Kathleen J. Nugent
Notary Public

KATHLEEN J. NUGENT
Notary Public, State of New York
Qualified in Orange County
No. 4753517
My commission expires Mar. 30, 1985



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK
(914) 565-8550

Date: May 10, 1983

Mr. Frank Wortmann
Box 393-B - Moores Hill Road
New Windsor, N. Y. 12550

RE: APPLICATION BEFORE ZONING BOARD OF APPEALS
83-7 - WORTMANN, FRANK

Dear Frank:

This is to confirm that your above application before the
New Windsor Zoning Board of Appeals was granted
at a meeting held on the 9th day of May, 1983.

A formal decision will be drafted and acted upon at a later
date. You will be receiving a copy of same by return mail.

Meanwhile, if you have any further questions, please do not
hesitate to call me.

Yours very truly,

A handwritten signature in cursive script that reads 'Patricia Delio'.

PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd

cc: Patrick Kennedy, Bldg/Zoning Inspector
Town Planning Board

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
TOWN BUILDING/ZONING OFFICER KENNEDY

FROM: ZONING BOARD OF APPEALS

SUBJECT: PUBLIC HEARING BEFORE ZBA - May 9, 1983

DATE: April 25, 1983

Kindly be advised that there is one (1) public hearing scheduled to be heard before the ZBA on Monday evening, May 9, 1983 at 7:30 p.m. in the Matter of the Application of FRANK WORTMANN for area variance.

I have attached hereto copy of the public hearing notice which appeared in The Sentinel together with pertinent application.

Pat

/pd
Attachments

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

Weather Oak Hill

TPB

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

83-7

Date: 4/13/83

I. Applicant Information:

- (a) FRANK WERTMANN 3x 393B MOOREHILL RD NEW WINDSOR 1550
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Special Permit

III. Property Information:

- (a) R4A WEATHER OAK HILL 120 x 167
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R4A
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1975
- (e) Has property been subdivided previously? NO When? _____
- (f) Has property been subject of variance or special permit previously? NO When? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? _____
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: _____

IV. Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>25000</u>	<u>320040</u>	<u>29960 sq. ft.</u>
Min. Lot Width <u>125</u>	<u>126</u>	<u>5 ft. 0</u>
Reqd. Front Yd. <u>35</u>	<u>65</u>	
Reqd. Side Yd. <u>15 / 30</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yd. <u>40</u>		
Reqd. Street Frontage* <u>60</u>		
Max. Bldg. Hgt. <u>2 1/2 STORIES</u>		
Min. Floor Area* <u>1000</u>		
Dev. Coverage* <u>30</u> %	%	%
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

THE ZONE IS R4A TWO FAMILY DWELLING.

PRACTICAL DIFFICULTY IS THAT THE TOWN HASN'T

SUPPLIED WATER TO AREA, THEREFOR I NEED A VARIANCE

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	_____ sq. ft.	_____ sq. ft.	_____ sq. ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ Copy(ies) of sign(s) with dimensions.
- ☒ Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
- ☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 4/12/83

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Frank Watson.
(Applicant)

Sworn to before me this

13th day of April, 1983. Patricia Velis

PATRICIA DELIO
Notary Public, State of New York
Appointed in Orange County
My Commission expires Mar. 30, 1991

XI. ZBA Action: My Commission expires Mar. 30, 1974.

- (a) Public Hearing date _____.
- (b) Variance is _____.
- Special Permit is _____.
- (c) Conditions and safeguards: _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, New York 12550

(This is a two-sided form)

Date Received _____
Meeting Date _____
Public Hearing _____
Action Date _____
Fees Paid _____

APPLICATION FOR SITE PLAN APPROVAL

1. Name of Project _____
2. Name of applicant FRANK WORTMANN Phone 564-3354
Address Box 393 B, MOORES HILL RD, NEW WINDSOR, N.Y. 12550
(Street No. & Name) (Post Office) (State) (Zip Code)
3. Owner of record _____ Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip Code)
4. Name of person preparing plan ROGER LUPINO Phone _____
Address WARWICK N.Y.
(Street No. & Name) (Post Office) (State) (Zip Code)
5. Attorney _____ Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip Code)
6. Location: On the NORTH EAST side of WEATHER OAK HILL
(Street)
1200 ft feet NORTH
(direction)
of MOORES HILL RD.
(Street)
7. Acreage of parcel 20.42 ac. ±
8. Zoning district R4A
9. Tax map designation: Section 32 Block 1 Lot(s) 10
10. This application is for the use and construction of TWO FAMILY HOUSE

11. Has the Zoning Board of Appeals granted any variance or special permit concerning this property? YES If so, list case No. and Name #83-7

12. List all contiguous holdings in the same ownership

Section _____ Block _____ Lot(s) _____

FOR OFFICE USE ONLY:

Schedule _____

Column _____

Division _____

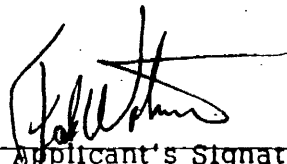
Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION, CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

15th day of June, 1983



Applicant's Signature

Kathleen J. Nugent

Notary Public

Title

KATHLEEN J. NUGENT
Notary Public, State of New York
Qualified in Orange County
No. 4653517

OWNER'S ENDORSEMENT

(Completion required ONLY if applicable)

COUNTY OF ORANGE }
STATE OF NEW YORK } SS.:

Frank Wortmann being duly sworn, deposes and says that he resides
393 B Moore's Hill Rd., New Windsor In the
(Owner's Address)
county of Orange and State of New York

and that he is (the owner in fee) of (_____) of the _____
(Official Title)

Corporation which is the owner in fee) of the premises described in the foregoing application

and that he has authorized _____ to make the foregoing application for special use approval as described herein.

Sworn before me this,

15th day of June, 1983



Owner's Signature)

Kathleen J. Nugent

Notary Public

KATHLEEN J. NUGENT
Notary Public, State of New York
Qualified in Orange County
No. 4653517

My commission expires Mar. 30, 1985

NEW WINDSOR ZONING BOARD OF APPEALS
Regular Session
May 23, 1983

MEMBERS PRESENT: Richard Fenwick, Chairman
Dan Konkol, V. Chairman
James Nugent
John Pagano
Vincent Bivona
Jack Babcock

MEMBERS ABSENT: Joseph Skopin

ALSO PRESENT: Andrew S. Krieger, Esq.,
Board Attorney
Patricia Delio, Secretary

The May 23, 1983 session of the Zoning Board of Appeals was called to order by Chairman Richard Fenwick. Secretary called the roll.

Motion followed by James Nugent, seconded by John Pagano to accept the May 9, 1983 minutes as written. Motion carried 6-0.

PRELIMINARY MEETING:

HORTON, RAYMOND - Request for variance for a 6 ft. existing stockade fence on property line located on Mertes Lane. There is a requirement of 10 ft. sideyard and 2 ft. height variance required for fence. Mr. Horton stated that his neighbors are not too friendly.

Photographs were supplied by neighbor (Lugo) together with a letter objecting to fence.

Motion by Jack Babcock, seconded by Dan Konkol followed to schedule a public hearing on the return of the completed paperwork (supplied by Secretary). Motion carried 6-0.

* * * * *

PRELIMINARY MEETING:

KAISER, DEBRA - Request for 8 ft. front yard variance to construct a solar greenhouse on Creamery Drive (Butter Hill Subdivision) in an R-4 zone. Mrs. Kaiser stated that construction must be on the southside of house in order to take advantage of the solar credit allowance.

Motion followed by Jack Babcock, seconded by John Pagano to schedule a public hearing on this matter on the return of the completed paperwork. Motion carried 6-0.

* * * * *

May 23, 1983

PUBLIC HEARING in the matter of the Application of ELAINE PIETRZAK for 30 ft. front yard variance for construction of a building to be located at 7 Steele Road in a Planned Industrial (PI) zone.

Alan J. Axelrod, Esq., of Greenblatt, Axelrod & Zuckerman, 369 Fullerton Avenue, Newburgh, N. Y., appeared in behalf of owner/applicant. Mr. Axelrod presented the applications, site plans, list from Town Assessor's Office containing 8 names and addresses of adjacent property owners, 8 return receipts, check in the amount of \$25.00 for variance application fee and Affidavit of Mailing.

There were no spectators in attendance at hearing.

Public hearing was recorded on Tape #113 on file in Secretary's office.

After the close of the hearing, motion was made by Dan Konkol, seconded by James Nugent to grant a 30 ft. front yard variance in accordance with applications and plans received and dated 3/12/83.

Motion carried 6-0. Application approved. Formal decision would be drafted at a later date and acted upon by the Board.

* * * * *

PUBLIC HEARING in the matter of the Application of MID-HUDSON OXYGEN CO., INC. for a 37 ft. side yard variance, a 10 ft. rear yard variance and 28.5 ft. height variance for construction of a liquid oxygen (LOX) storage tank with pumping system and building addition to be located on Walsh Road in a PI (Planned Industrial) zone.

Appearances were made by Elias Grevas, L.S. of McGoeys, Hauser and Grevas, consulting engineers who presented the site plan for the installation of the tank; Owner/Applicants William Schaffer and Richard Schaffer; Gunnar Edelstein of Air Products and Chemicals Inc. and Mike Bunner.

Mr. Grevas presented the applications, list from Assessor's Office containing 45 names and addresses of adjacent property owners, 42 return receipts, check in the amount of \$50.00 for application fee and pictures and diagrams of the storage tank in question. Public hearing notice was published in The Sentinel on 5/12/83.

Letter dated 5/12/83 was received from Fire Inspector Robert F. Rodgers which stated that, provided proper safety requirements were met, he felt that there would be no reason to deny the variance applied for by Mid-Hudson. Letter received and filed as part of the record.

There were no spectators present in conjunction with this hearing.

May 23, 1983

Public hearing was recorded on Tape #113 on file in Secretary's Office.

After the close of the hearing, motion was made by Jack Babcock seconded by Dan Konkol to grant: (1) 37 ft. side yard variance; (2) 10 ft. rear yard variance; (3) 28.5 ft. height variance for construction of a liquid oxygen storage tank, pumping system with building addition in accordance with plans submitted and dated 5/11/83.

ROLL CALL: Mr. Pagano - No
Mr. Bivona - Yes
Mr. Babcock- Yes
Mr. Nugent - Yes
Mr. Konkol - Yes
Mr. Fenwick- Yes

Motion carried 5 ayes - 1 nay. Application granted. Formal decision to be drafted and acted upon at an upcoming meeting of Board.

* * * * *

~~Last three items on the agenda, motions to accept formal decisions:~~

Matter of WORTMANN - Motion was made by Jack Babcock, seconded by Vincent Bivona to accept formal decision. Motion carried 6-0. (Decision attached hereto and made a part of these minutes.)

~~Matter of DIPLOMAT MOTOR LODGE - Motion was made by James Nugent, seconded by John Pagano to accept the formal decision. Motion carried 6-0. (Decision attached hereto and made a part of the minutes.)~~

* * * * *

Also attached hereto is Amended Formal Decision in the matter of the request of RAINBOW CENTER FOR CHILDREN.

* * * * *

Since there was no further business to be brought before the Board, motion followed by John Pagano, seconded by Vincent Bivona to adjourn. Motion carried 6-0. Meeting adjourned.

Respectfully submitted,

Patricia Delio

PATRICIA DELIO, Secretary

NEW WINDSOR ZONING BOARD OF APPEALS

-----X
In the Matter of the Application of

FRANK WORTMANN,

DECISION GRANTING
VARIANCE

83-7 .
-----X

WHEREAS, FRANK WORTMANN of Moore's Hill Road,
New Windsor, New York, has made application before the
Zoning Board of Appeals for area variances for the purposes of:
construction of a two-family residence on Weather Oak Hill (R-4A zone) ;
and

WHEREAS, a public hearing was held on the 9th day of
May, 19 83 before the Zoning Board of Appeals at the Town Hall,
New Windsor, New York; and

WHEREAS, the applicant appeared in his own behalf

_____; and

WHEREAS, the application was unopposed ; and

WHEREAS, the Zoning Board of Appeals of the Town of New
Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents
and businesses as prescribed by law and published in The Sentinel, also
as required by law.

2. The evidence shows: area is zoned for two-family use
however, Town water is not supplied to this area;

3. The evidence shows that Town sewer is available in this
area; applicant is also requesting 4,960 sq. ft./^{lot} area and 5 ft. lot width
variances;

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will encounter practical difficulty if the area variance requested is not granted.

2. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant 4,960 sq. ft. lot area and 5 ft. lot width variances in accordance with plans submitted at the public hearing.

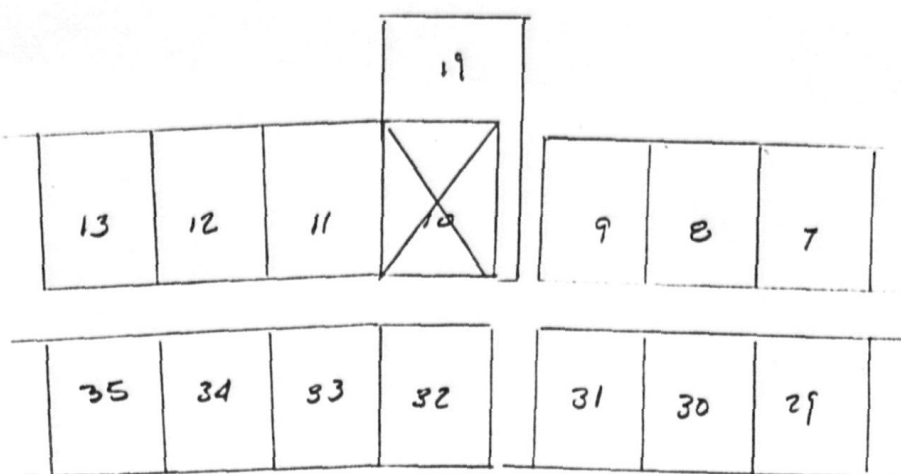
BE IT FURTHER,

RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: May 23, 1983.


Chairman

cc: Frank Wortmann

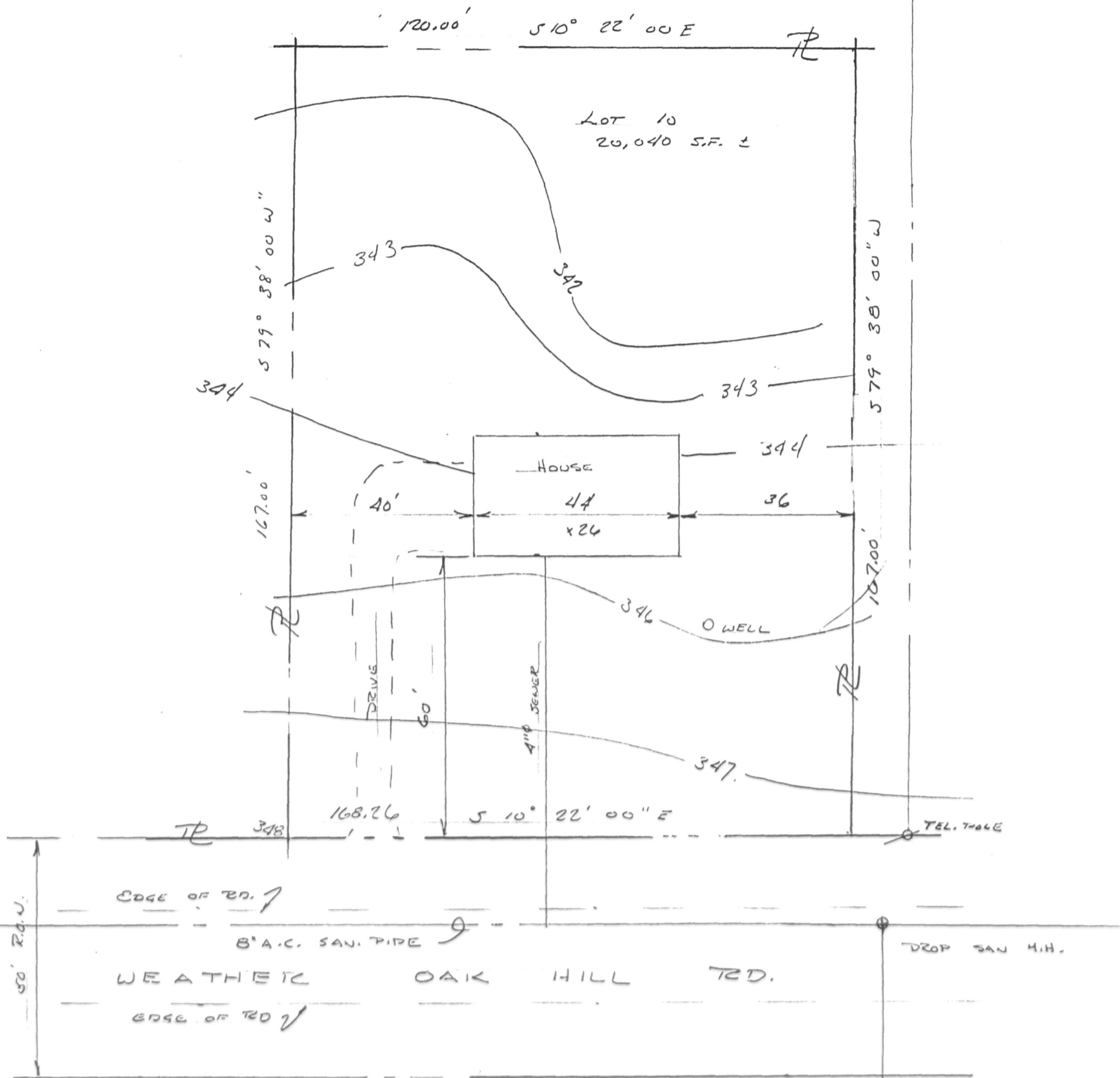


VICINITY PLAN



19

11



Roger Lupino

SITE PLAN
1"=20'

SECTION "C"
WEATHER OAK HILL
TOWN OF NEW WINDS
ORANGE CTY., N.Y.

LOT 10, BLK 1, SECT. 32
FRANK WORTMAN, OWNER